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6 **BEFORE THE**
7 **BOARD OF REGISTERED NURSING**
8 **DEPARTMENT OF CONSUMER AFFAIRS**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2011-398

11 **LATESHA ANTWANIQUE MACK**
12 **3949 Los Feliz Blvd., Apt. #308**
13 **Los Angeles, CA 90027**
14 **Registered Nurse License No. 716413**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

15 Respondent.

16 **FINDINGS OF FACT**

17 1. On or about October 29, 2010, Complainant Louise R. Bailey, M.Ed., RN, in her
18 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
19 Consumer Affairs, filed Accusation No. 2011-398 against Latesha Antwanique Mack
20 ("Respondent") before the Board of Registered Nursing ("Board").

21 2. On or about November 30, 2007, the Board issued Registered Nurse License No.
22 716413 to Respondent. The Registered Nurse License was in full force and effect at all times
23 relevant to the charges brought herein and will expire on July 31, 2011, unless renewed.

24 3. On or about October 29, 2010, Respondent was served by Certified and First Class
25 Mail copies of the Accusation No. 2011-398, Statement to Respondent, Notice of Defense,
26 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
27 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions
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1 Code section 136 is required to be reported and maintained with the Board. Respondent's address
2 on record with the Board was and is:

3 **3949 Los Feliz Blvd., Apt. #308**
4 **Los Angeles, CA 90027.**

5 4. Service of the Accusation was effective as a matter of law under the provisions of
6 Government Code section 11505, subdivision (c) and Business & Professions Code section 124.

7 5. On or about November 19, 2010, the aforementioned documents served by First Class
8 Mail were returned by the U.S. Postal Service marked, "undeliverable as addressed, unable to
9 forward."

10 6. Government Code section 11506 states, in pertinent part:

11 "(c) The respondent shall be entitled to a hearing on the merits if the
12 respondent files a notice of defense, and the notice shall be deemed a specific denial
13 of all parts of the accusation not expressly admitted. Failure to file a notice of
14 defense shall constitute a waiver of respondent's right to a hearing, but the agency in
15 its discretion may nevertheless grant a hearing."

16 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
17 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2011-
18 398.

19 8. California Government Code section 11520 states, in pertinent part:

20 "(a) If the respondent either fails to file a notice of defense or to appear at the
21 hearing, the agency may take action based upon the respondent's express admissions
22 or upon other evidence and affidavits may be used as evidence without any notice to
23 respondent."

24 9. Pursuant to its authority under Government Code section 11520, the Board finds
25 Respondent is in default. The Board will take action without further hearing and, based on the
26 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
27 as well as taking official notice of all the investigatory reports, exhibits and statements contained
28 therein on file at the Board's offices regarding the allegations contained in Accusation No. 2011-
398, finds that the charges and allegations in Accusation No. 2011-398, are separately and
severally true and correct by clear and convincing evidence.

10. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$557.50 as of December 2, 2010.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Latesha Antwanique Mack has subjected her Registered Nurse License No. 716413 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case:

a. **Disciplinary Action by the State of Florida Board of Nursing.** Respondent is subject to disciplinary action under Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct in that Respondent was disciplined by the State of Florida Board of Nursing ("Florida Board") as follows:

i. On or about August 21, 2009, pursuant to the Final Order adopted by the Florida Board, in the disciplinary action entitled *Department of Health v. Latesha A. Mack*, Case No.: 2008-15874, License No.: RN 9231172, the Florida Board formally reprimanded Respondent's registered nursing license and suspended the license until Respondent completed an evaluation through the Intervention Project for Nurses ("IPN") and complied with all terms and conditions imposed by IPN. The basis for the Agreed Order is as follows:

ii. On or about June 4, 2008, The Respondent submitted to a pre-employment drug screen for a position with AMN/Fresenius Care, located in New York.

iii. On or about June 5, 2008, the Respondent's results of the pre-employment drug screening indicated positive for marijuana metabolites.

iv. Respondent did not have a prescription for marijuana.

v. Respondent did not have a legitimate medical reason for using marijuana.

b. **Disciplinary Action by the Arizona State Board of Nursing.** Respondent is subject to disciplinary action under Code section 2761, subdivision (a)(4), on the grounds of

unprofessional conduct in that Respondent was disciplined by the Arizona State Board of Nursing ("Arizona Board") as follows:

i. On or about June 30, 2010, pursuant to the Consent Agreement and Order No. 0905152, in the disciplinary action entitled *In the Matter of Registered Nurse License No. RN117692 Issued to Latesha Antwanique Mack, aka Latesha A. Lyons-Mack*, the Arizona Board placed Respondent's license on probation for a period of eighteen months. The basis for the Agreed Order is the conduct alleged in paragraph 10, subparagraphs (a) through (d), inclusive above, and herein incorporated by reference.

c. **Unprofessional Conduct.** Respondent is subject to disciplinary action under Code section 2761, subdivision (a), in that Respondent committed acts of unprofessional conduct. The conduct is more particularly described in paragraph 3, subdivision (a), subsection (i) through (v), and paragraph (b)(i) inclusive, above, and herein incorporated by reference.

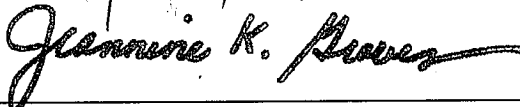
ORDER

IT IS SO ORDERED that Registered Nurse License No. 716413, heretofore issued to Respondent Latesha Antwanique Mack, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on February 26, 2011.

It is so ORDERED January 27, 2011



FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. *2011-398*

11 **LATESHA ANTWANIQUE MACK, AKA**
12 **LETESHA A. LYONS-MACK**
13 **3949 Los Feliz Blvd., Apt. #308**
Los Angeles, CA 90027
14 **Registered Nurse License No. 716413**

A C C U S A T I O N

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
20 of Consumer Affairs.

21 2. On or about November 30, 2007, the Board of Registered Nursing issued Registered
22 Nurse License Number 716413 to Latesha Antwanique Mack, aka Letesha A. Lyons-Mack
23 ("Respondent"). The Registered Nurse License was in full force and effect at all times relevant to
24 the charges brought herein and will expire on July 31, 2011, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Registered Nursing ("Board"),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code ("Code") unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

STATUTORY PROVISIONS

5. Section 118, subdivision (b) of the Code provides, in pertinent part:

“(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.”

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

7. Section 2761 of the Code provides, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

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(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action...”

COST RECOVERY

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Disciplinary Action by the State of Florida Board of Nursing)**

3 9. Respondent is subject to disciplinary action under Code section 2761, subdivision
4 (a)(4), on the grounds of unprofessional conduct in that Respondent was disciplined by the State
5 of Florida Board of Nursing ("Florida Board").

6 10. On or about August 21, 2009, pursuant to the Final Order adopted by the Florida
7 Board, in the disciplinary action entitled *Department of Health v. Latesha A. Mack, Case No.:
8 2008-15874, License No.: RN 9231172*, the Florida Board formally reprimanded Respondent's
9 registered nursing license and suspended the license until Respondent completed an evaluation
10 through the Intervention Project for Nurses ("IPN") and complied with all terms and conditions
11 imposed by IPN. The basis for the Agreed Order is as follows:

12 a. On or about June 4, 2008, The Respondent submitted to a pre-employment drug
13 screen for a position with AMN/Fresenius Care, located in New York.

14 b. On or about June 5, 2008, the Respondent's results of the pre-employment drug
15 screening indicated positive for marijuana metabolites.

16 c. Respondent did not have a prescription for marijuana.

17 d. Respondent did not have a legitimate medical reason for using marijuana.

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(Disciplinary Action by the Arizona State Board of Nursing)**

20 11. Respondent is subject to disciplinary action under Code section 2761, subdivision
21 (a)(4), on the grounds of unprofessional conduct in that Respondent was disciplined by the
22 Arizona State Board of Nursing ("Arizona Board").

23 12. On or about June 30, 2010, pursuant to the Consent Agreement and Order No.
24 0905152, in the disciplinary action entitled *In the Matter of Registered Nurse License No.
25 RN117692 Issued to Latesha Antwanique Mack, aka Latesha A. Lyons-Mack*, the Arizona Board
26 placed Respondent's license on probation for a period of eighteen months. The basis for the
27 Agreed Order is the conduct alleged in paragraph 10, subparagraphs (a) through (d), inclusive
28 above, and herein incorporated by reference.

1 THIRD CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

3 13. Respondent is subject to disciplinary action under Code section 2761, subdivision
4 (a), in that Respondent committed acts of unprofessional conduct. The conduct is more
5 particularly described in paragraph 10, subdivisions (a) through (d), and paragraph 12, inclusive,
6 above, and herein incorporated by reference.

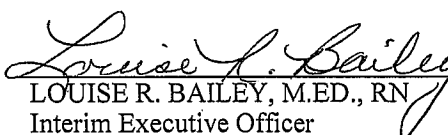
7 PRAYER

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Board of Registered Nursing issue a decision:

10 1. Revoking or suspending Registered Nurse License Number 716413, issued to Latesha
11 Antwanique Mack, aka Letesha A. Lyons-Mack;

12 2. Ordering Latesha Antwanique Mack, aka Letesha A. Lyons-Mack to pay the Board of
13 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
14 pursuant to Business and Professions Code section 125.3;

15 3. Taking such other and further action as deemed necessary and proper.
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18 DATED: October 29, 2010 
19 LOUISE R. BAILEY, M.ED., RN
20 Interim Executive Officer
21 Board of Registered Nursing
22 Department of Consumer Affairs
23 State of California
24 Complainant

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